

Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY – APRIL 23, 2008 — 7:30 PM TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

APPROVAL OF MINUTES DATED JANUARY 30, 2008:

ANNUAL MOBILE HOME PARK REVIEW:

a. CINTRON MOBILE HOME PARK

PUBLIC HEARINGS:

- 1. RLF (FREDA) (07-25) SITE PLAN AND SPECIAL PERMIT 10 LOUISE DRIVE (MINUTA) Proposed home professional office.
- 2. POUGHKEEPSIE PROPERTIES, LLC (08-06) EXECUTIVE DRIVE (SHAW) Proposed Construction of 6,600 s.f. building with parking

REGULAR ITEMS:

- 3. MC QUISTON / FROELICH LL CHG. (07-05) PINE STREET (MC QUISTON)
 Residential Lot Line Change
- 4. MT. AIRY ESTATES SUBDIVISION (04-23) THE RESERVE J STREET Proposed 13-lot residential subdivision.
- 5. VESELY ESTATES AT STEPHEN'S WOODS SENIOR HOUSING (08-07) MOORES HILL ROAD Proposed 146-unit senior housing project.

DISCUSSION:

CORRESPONDENCE:

6. APPLE RIDGE SUBDIVISION (06-24) Request for extension of Preliminary Approval to expire May 14, 2008.

ADJOURNMENT

(NEXT MEETING - MAY 14, 2008)

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 23, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN

NEIL SCHLESINGER HENRY VAN LEEUWEN DANIEL GALLAGHER HENRY SCHEIBLE

ALSO PRESENT: JOHN SZAROWSKI, P.E.

PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON

PLANNING BOARD SECRETARY

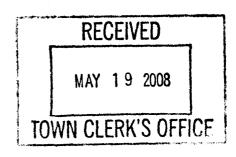
DOMINIC CORDISCO, ESQ. PLANNING BOARD ATTORNEY

ABSENT: HOWARD BROWN

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the April 23, 2008 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

 $\label{eq:condition} \mbox{(Whereupon, the Pledge of Allegiance was recited.)}$



MR. ARGENIO: For the benefit of my fellow planning board members, I want to tell you that I spoke to Howard Brown two days ago, everybody's been asking, all the members have been asking. He's doing well. His chemotherapy is done, he's going through radiation treatments right now and he's certainly on the mend. But he's doing very well and expects to be back with us very soon. We're certainly all happy to hear that. Mr. Edsall's not with us tonight, joining us in his place is John Szarowski, he does the SWPPP reviews as it were. That being said, we're going to get right to the agenda.

APPROVAL_OF_MINUTES_DATES_JANUARY_30, _2008

MR. ARGENIO: Minutes dated January 30, 2008, I trust everybody's had a chance to review them. I'll accept a motion we approve them as written.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board accept the minutes dated January 30, 2008 as written. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW:

CINTRON_MOBILE_HOME_PARK

MR. ARGENIO: First on tonight's agenda is the Cintron Mobile Home Park. Is there somebody here to represent this? Sir, would you please stand up, give your name for the benefit of the stenographer?

MR. NUNZIATO: Frank Nunziato.

MR. ARGENIO: Michael, has somebody from your office been to this park to check and see how it is?

MR. BABCOCK: Yes, and everything's fine.

MR. ARGENIO: Mr. Nunziato, I understand there's a little confusion with the check amount, will work that out with Myra over the next few days and get a check in the appropriate amount to the town? That being said?

MR. NUNZIATO: Absolutely.

MR. ARGENIO: I'll accept a motion we offer one year extension to the Cintron Mobile Home Park.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board offer one year extension to the permit for the Cintron Mobile Home Park. Roll call.

ROLL CALL

MR. SCHLESINGER AYE MR. GALLAGHER AYE AYE

MR. VAN LEEUWEN

MR. ARGENIO

AYE

PUBLIC_HEARINGS:

RLF_(FREDA)_(07-25)_SITE_PLAN_AND_SPECIAL_PERMIT

Mr. Joseph Minuta appeared before the board for this proposal.

MR. ARGENIO: We have a couple public hearings tonight, first one is the RLF Management Freda Home Professional Office. I've seen this thing more times than I care to see it but we're obligated to have a public hearing. This application is for approval of a home professional office involving medical insurance applications and processing. The application was previously reviewed at the 12 September, 2007, 26 March, 2008 planning board meeting. The application is before this board tonight for a public hearing. Mr. Minuta is here I see to represent this. We have all seen this multiple times, it's a very, very simple and straightforward application. Joe, have you made any changes? I have Mark's comments here, have you made any other changes at all to the plans since we've seen it last?

MR. MINUTA: Changes have not, there were no changes to the plans since last submitted. All the changes and requests from Mark have been accommodated. We also received a letter from David Church, Orange County Municipal Planning in approval of this project.

MR. ARGENIO: That being said, do any of the members have any questions on this? Very straightforward, Neil or Henry, let's open it up then Myra do you have any information on this? On the 9th day of April, 41 addressed envelopes went out containing the notice of public hearing for this application. If there's anybody in the room tonight that would like to speak for or against or just comment on this application please raise your hand, be recognized by the chair and you'll be afforded the opportunity to speak. I will accept a motion we close the public hearing.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on RLF Home Office. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: If somebody sees fit, I'll accept a motion we declare a negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

 ${\tt MR.}$ ARGENIO: Motion has been made and seconded that we declare negative dec under the SEQRA process for the RLF site plan.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Guys, does anybody have anything else with this? This was pretty clean from day one.

MR. SCHLESINGER: Does fire have to review this again?

MR. ARGENIO: Approved 3/20/08.

MR. SCHLESINGER: That's it, great.

MR. ARGENIO: Accept a motion for final.

MR. VAN LEEUWEN: So moved.

MR. CORDISCO: Just to be clear, I will prepare a resolution that will be granting site plan special use permit approval and it will include the findings as outlined by Mr. Edsall and also the recommendation that a bond estimate be provided.

MR. ARGENIO: Very good, Dominic, thank you. Do I have a second?

MR. SCHLESINGER: Yes.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the RLF Management Professional Home Office. Roll call.

ROLL CALL

MR.	SCHLESINGER	AYE
${\tt MR}$.	SCHEIBLE	AYE
${\tt MR}$.	GALLAGHER	AYE
MR.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

MR. ARGENIO: Thank you, Joe. You have been very cooperative through this whole thing. I know it can be arduous, certainly if anybody understands the process it's yourself. Good luck, Joe.

POUGHKEEPSIE_PROPERTIES,_LLC_(08-06)

MR. ARGENIO: The next public hearing is Poughkeepsie Properties, LLC.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Mr. Shaw, I see him coming forward. The application proposes construction of a 6,600 square foot office building on the existing 2 1/2 acre office building site. The plan was previously reviewed at the 12 March, 2008 planning board meeting. This application is before the board tonight for a public hearing. Greg, would you please as you know we'd like to see some of the high points if you made some changes please bring them to our attention and after that we'll open it up to the public and then we'll chat about it again.

MR. SHAW: Thank you. First of all there were no changes, okay.

 $\mbox{MR.}$ ARGENIO: As I recall, the plan was a pretty clean plan.

MR. SHAW: Yes, it was. What we have is a 2 1/2 acre parcel on Executive Drive. Presently on the site is an existing two story office building and about 69 parking spaces in this location and in this location. What we're proposing, okay, is to construct a one story office building which would be the second office building on the site for a total of 6,600 square feet and not only would we be providing parking for this new additional office building but we would also be providing the deficiency of the parking that the existing building has when this building was reapproved I believe the parking requirement was 1 space for 200 square feet now it's one per 150 so the demand of the existing building has increased and we provided that

into our site.

MR. ARGENIO: So you meet the 1 to 150?

MR. SHAW: Correct, for both buildings. With respect to water and sewer we'll be connecting into the town's lines on Executive Drive with respect to storm drainage we're proposing an underground system where we're collecting storm water from our new development and we're discharging from our site into the existing storm drainage system at a rate not to exceed the flow off the site today in its undeveloped state. We have prepared a storm water management report to that effect and I believe that's been reviewed and accepted by your engineering consultant. And finally, again with respect to the new building and the parking areas we have prepared the required lighting plan, landscaping plan and site improvement details which are normally part of the approval process of this board. Thank you.

MR. VAN LEEUWEN: Who's in the existing building?

 $\ensuremath{\mathsf{MR}}.$ SHAW: River Realty and the Newburgh Board of Education.

MR. ARGENIO: Greg, I'm searching the plan, maybe you can answer without me having to search, what's the height of that masonry retaining wall at the corner of the parking lot and what is it constructed of?

MR. SHAW: It's going to be made out of masonry and the top elevation is 333 and the lowest elevation again it drops along the wall is 330 so maximum distance is 3 feet.

MR. ARGENIO: So it is not relieved in the wall?

MR. SHAW: That's correct.

MR. ARGENIO: You have the 6 foot wide sidewalk that we

typically request, you're certainly familiar with that, where I was concerned was about the overhang of the bumper. You have the masonry refuse enclosure which Neil is going to ask you about in a minute or two.

MR. VAN LEEUWEN: Is this the old ENAP building?

MR. BABCOCK: Next door to it, yes.

MR. SHAW: I believe when we, when I left the board meeting not only did you request the public hearing you referred this off to the County, all right, that was one of the requirements and I believe you did get a response back.

 $\ensuremath{\mathtt{MR}}.$ ARGENIO: Local determination is the response from the county.

MR. SHAW: Fine, that's completed.

MR. ARGENIO: I'm going to open it up to the public, you guys look at it, if you have anymore questions, my memory serves me it was fairly thoroughly done initially and Mark's comments were relatively long but let's open it up to the public and then I have a couple comments that I would like to make subsequent to the public hearing. On the 9th day of April, four addressed envelopes were sent out containing the notice of public hearing for this application. If there's anybody in the room this evening that would like to speak for against or just comment on this application please raise your hand, be recognized, come forward and you'll be afforded that opportunity to speak.

MR. SCHLESINGER: Motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded to close the public hearing on Poughkeepsie Properties.

Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Mike or Greg, there was discussion about a downstream culvert that was problematic on this entire site for a litany of reasons which I don't need to get into. Was that removed?

MR. BABCOCK: Yes.

MR. ARGENIO: It's an open channel now.

MR. BABCOCK: Yes.

MR. VAN LEEUWEN: I have one question of Greg, that building, the old house, was he able to buy that because we were going to get a road by the red light to go down.

MR. SHAW: I don't know what you're referring to, there's no--

MR. BABCOCK: The Sloan house, Bill Helmer.

MR. SHAW: But my client is not Bill Helmer.

MR. BABCOCK: This is different.

MR. SHAW: My client is Poughkeepsie Properties, this has nothing to do with Bill Helmer at all.

MR. ARGENIO: I know, Mr. Van Leeuwen is looking for an update on that, there's a threshold somewhere in this

package where Mr. Helmer's going to hopefully purchase that house, one of our planning ideas because we're in fact the planning board was to attempt to create a road link that ties into that controlled intersection for future development in the project, I guess.

MR. SHAW: I had heard that, that the goal was to get another road out to 207 but as I said, Bill Helmer is not the applicant, he has nothing to do with this parcel whatsoever.

MR. ARGENIO: Understood. Neil or Henry or Danny, do you have anything?

MR. VAN LEEUWEN: No, nothing else.

MR. SCHLESINGER: Just the point that Henry just brought up we have to keep a close watch on that because there's work.

MR. VAN LEEUWEN: We had trouble years ago, didn't we?

MR. SCHEIBLE: There's work being done.

MR. SCHLESINGER: That house is being renovated.

MR. ARGENIO: Mike, do you know anything about that?

MR. BABCOCK: No.

MR. ARGENIO: I wasn't aware of that.

MR. SCHLESINGER: They reinforced the front steps with concrete, cut down some shrubbery.

MR. VAN LEEUWEN: You're right, they did.

MR. SCHLESINGER: I see it every day.

MR. VAN LEEUWEN: And that's not the first time that

Bill Helmer made a promise that he didn't keep.

MR. BABCOCK: If Bill Helmer bought that building it's to be torn up, he wouldn't be fixing up the stoop.

MR. ARGENIO: Greg, this discussion has nothing to do with your client. I point out to the members one has nothing to do with the other but duly noted, Henry, maybe it would be wise for us to follow up a little bit on that, Michael and just to see where it's at because the discussions we had about that acquisition of that house were not really very ambiguous, they were pretty clear that that's where we'd like to see this thing go so--

MR. VAN LEEUWEN: One of the reasons you got my approval to subdivide that other piece.

MR. ARGENIO: Yes, I remember specifically.

MR. VAN LEEUWEN: Otherwise I wouldn't have gone for it, maybe we ought to ask Mr. Tadesco to check tonight.

MR. BABCOCK: Mr. Helmer did not own that house, we understood that the house was up for sale.

MR. VAN LEEUWEN: But he told us he was going to try and buy it.

MR. BABCOCK: He wants it, I truly believe he wants it but he doesn't want to pay more than what he feels it's worth.

MR. ARGENIO: More than half of what it's worth.

MR. BABCOCK: More than what he feels it's worth and that's where I think we're at at this point but I will find out and I will let the chairman know.

MR. ARGENIO: Check on that, Mike, I'd like to know

where we're at. If anybody sees fit, I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Dan, you're unusually mute. Does anybody have anything else on this?

MR. GALLAGHER: I have something about the lighting. Is this one of the applicants that are trying out the solar lights?

MR. ARGENIO: This is not, this was before we endeavored into that whole solar thing but it's a good point. We certainly are looking to do that and Mr. Shaw does appear in front of us quite frequent so keep that in mind.

MR. SHAW: I'm anxious to see how is SKS works out, I don't know if the lights are there, I'm hoping to get them up.

MR. ARGENIO: That's Route 32.

MR. SHAW: That's the test site for solar lighting, I'm

interested to see how that looks because I know that's the board's preference in the future, just want to make sure it works.

MR. ARGENIO: We have highway and fire approval. Mike, I'd like you to just if you can shed some light on what I'm about to read relative to 9-1-1. This is disapproved, assigned numbers 117 Executive Drive shall be placed on all plans. That seems to me to be a pretty simple comment and that I interpret it as them saying that. Greg, you'll install the address of 117 Executive Drive on all the plans? Are you okay with that?

MR. SHAW: I can do that, sure, yes.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I'll accept a motion for final if somebody sees fit.

MR. CORDISCO: Just as in the last case we'll prepare a decision and include a provision that they provide a bond estimate for the key improvements.

MR. ARGENIO: And put the note about the 9-1-1.

MR. CORDISCO: Yes.

MR. ARGENIO: Motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Poughkeepsie Properties site plan. Roll call.

ROLL CALL

MR.	SCHLESINGER	AYE
MR.	SCHEIBLE	AYE
MR.	GALLAGHER	AYE
MR.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

REGULAR_ITEMS:

MC_QUISTON/FROELICH_LOT_LINE_CHANGE_(07-05)

Mr. John McQuiston appeared before the board for this proposal.

MR. ARGENIO: This application proposes conveyance of 4,500 square foot of land from lot 5 name of Froelich to lot 6 name of McQuiston. This plan was previously reviewed at the 14 February, 2007 planning board meeting. Sir, can I have your name for the benefit of the stenographer?

MR. MC QUISTON: John McQuiston.

MR. ARGENIO: Mr. McQuiston, can you give us a rundown of what you want to do here so we can have a good idea?

MR. MC QUISTON: Basically, my neighbor gave me a piece of property that I just want to incorporate into my property and just going to be a bigger yard.

MR. ARGENIO: He gave it to you?

MR. MC QUISTON: Gave it to me.

MR. ARGENIO: Nice guy, huh?

MR. MC QUISTON: Absolutely.

MR. ARGENIO: I want to see, I just would like to see the lot lines, could you please point to them on the drawing, the one you're extinguishing.

MR. MC QUISTON: Going to be this one 50 $\mathbf x$ 150 or 30 $\mathbf x$ 150.

MR. ARGENIO: I see 30×150 .

MR. BABCOCK: That's the lot that was tied to the Froelich lot so his lot was a big L.

MR. ARGENIO: Froelich was a big L?

MR. BABCOCK: That's correct, so this is--

MR. ARGENIO: It's an improvement you're squaring things up.

MR. BABCOCK: Oh, absolutely.

MR. VAN LEEUWEN: Which side of the street is that?

MR. MC QUISTON: They're on Union, I'm on the right side of Pine Street.

MR. BABCOCK: On the corner of Union and Pine.

MR. ARGENIO: I want to read this into the minutes. Lot 5 is being made more non-conforming. I still feel it's an improvement though in my opinion but I'm one member here. A ZBA referral was required because of that Mark writes in his comments, it's my understanding that the applicant received the required variances. The date of the ZBA action and variances granted should be listed on the final plan submitted for stamping. Sir, you did get Zoning Board approval?

MR. MC QUISTON: Yes.

MR. BABCOCK: Yes.

MR. ARGENIO: Do you understand the comment when Mark says that your engineer is going to need to, or your surveyor whoever is doing this is going to need to list the date and the variances that were given on the plan for the file for Myra?

MR. MC QUISTON: Okay.

MR. ARGENIO: What I'd like you to do is take a copy of Mark's comments with you and just show your engineer here, who's your engineer, Ernest Johnson, comment number 1 and he'll know exactly what to do, it's not a big deal.

MR. MC QUISTON: Okay.

MR. ARGENIO: It's not a big deal.

MR. MC QUISTON: Yes, it is, this guy's been giving me the runaround for six months.

MR. ARGENIO: Well, get with Myra, find out when they were done and you put them on the plan, how's that grab you?

MR. MC QUISTON: That's fine with me.

MR. ARGENIO: How's that, simple?

MR. MC QUISTON: Fine with me.

MR. ARGENIO: Come up and see Myra, come up and see her.

MR. CORDISCO: They can't.

MR. BABCOCK: What we can do is we can attach this information with his plan and it will be fine.

MR. ARGENIO: So we'll attach the resolution from the ${\tt ZBA}$ to his plan.

MR. ARGENIO: You need to follow it up though, call Myra, make an appointment, come and see her, she'll dig the stuff out of the file and we'll attach it to this. You guys you should pay your bills maybe he'll call you back.

MR. MC QUISTON: He's paid in full, that's the problem.

MR. ARGENIO: Only kidding with you.

MR. CORDISCO: One possible way of dealing with this has your deed been recorded yet, the deed where he's transferring the property to you?

MR. MC QUISTON: No.

MR. CORDISCO: You could reference this in the deed that would be an easy way of doing it. See the point of putting it on the plan is so someone in the future when they go to the county clerk's office and they're looking at the plans they can see that there was a record of the ZBA.

MR. ARGENIO: What are the mechanics of that Dominic?

MR. CORDISCO: Well, in terms of like drawing it on the plan it's a problem for him to get the surveyor to do it but in terms of just including reference to the fact that there was a ZBA decision in this case in your deed nothing more than that.

MR. ARGENIO: Who records that?

MR. CORDISCO: County Clerk's Office.

MR. ARGENIO: Who does that?

MR. BABCOCK: He could do it but he's going to have to have an attorney prepare that.

MR. CORDISCO: Right, well, someone that's going to have to prepare a deed at this point he hasn't recorded the deed so what I'm suggesting is that that language--

MR. VAN LEEUWEN: He can't record a deed.

MR. CORDISCO: He can buy the property or take, he's not buying he's actually getting it, he could take the property but it just doesn't become part of that lot.

MR. ARGENIO: I think that's a fine idea. He just suggested when the deed is recorded have the variances listed on the deed.

MR. CORDISCO: And if you have any questions give me a call or have your attorney give me a call or whoever's writing the deed.

MR. ARGENIO: Somebody smarter than you and I is going to write that deed probably.

MR. CORDISCO: Not necessarily.

MR. ARGENIO: So have that person contact Dominic. Dominic, could you please give him a card so he knows how to find you?

MR. CORDISCO: Yes.

MR. VAN LEEUWEN: Cause if you ever want to sell your house that would become a problem.

MR. ARGENIO: You're going to need that.

MR. CORDISCO: And it's for the future so they know that the variances were granted because someone from a lender, that's exactly right as Henry mentioned. If anybody sees fit, I'll accept a negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare a negative dec for the McQuiston/Froelich lot

line change. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Now, what I normally do here on this one relative to the public hearing I will poll the board and we'll act on that poll. Neil or Henry, how do you guys feel about a public hearing for this? Remember it's at our discretion.

MR. SCHLESINGER: I don't see the need, nothing's changed except between you and your neighbor, that's it, right.

MR. BABCOCK: It's a property line, nobody out there is even going to see the difference.

MR. ARGENIO: Just asking the question.

MR. SCHLESINGER: Make a motion.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for McQuiston/Froelich.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: I have one little problem though, I do have a little problem and I think we can get through it but I want to make sure we get through it properly, Mr. McQuiston, so you don't get jammed up at a later date. I understand Szarowski and Cordisco that this has to go to Orange County Department of Planning which I can't imagine that there would be an issue I assume because it's within 500 feet of Route 32.

MR. CORDISCO: Well, just to be clear, I believe that it did go through the ZBA or it did not, someone's shaking their head, who knows better than--

MS. MASON: Cause it was listed as Pine Street.

MR. ARGENIO: So Mark has a note here that it should go to Orange County Planning. Now, typically this board and maybe we can't do it, I don't know, I'm going to ask the attorney, we typically don't offer approval subject to the County Planning Department, we typically don't do that but if we can lawfully do that I think I would submit to my associates that we should consider it. Can we do that Dominic subject to?

MR. BABCOCK: And the plan wouldn't be stamped until we received that.

MR. CORDISCO: Yes, the plan would not, I think that in this case where it's a very simple lot line change and there's not really a lot of issues for the county to weigh in on technically it has to go to the county, that's not a discretionary action. Once it fits those criteria, it has to go and if it doesn't go, it's not as if it's not as if like it's something that someone can complain about later on, it actually makes the action itself void so it's an important step in the process. They do have a 30 day turnaround time. What the board could do is they could authorize me to prepare the resolutions and we'll have that prepared, hopefully, it will go out and then by the time the 30

days runs the resolutions could be adopted, that's what I suggest. If you want to go one step further you could and assuming that the county comes back with either a local determination or recommending approval you could also authorize the chairman to sign those resolutions. I'm only saying that in this case because it is such a simple and straightforward application.

MR. ARGENIO: And the record should be clear I will say it again that we don't, this isn't very typical for us to do this but as Dominic pointed out it's very simple, very straightforward, it's not our job to jam citizens up and to get them tied up in a bureaucratic mess that they don't need.

MR. SCHLESINGER: What's the basis for this going to Orange County?

MR. ARGENIO: Mark is not here, John is here but I'm pretty confident it's within the threshold of Route 32.

MR. CORDISCO: It's within 500 feet.

MR. VAN LEEUWEN: Union Avenue is a county road.

MR. ARGENIO: I think what trips it is a state road.

MR. CORDISCO: County or state.

MR. ARGENIO: I stand corrected, that's what trips it. So you guys okay with that?

MR. GALLAGHER: Yes.

MR. SCHLESINGER: Yes.

MR. SCHEIBLE: Yes.

MR. VAN LEEUWEN: I've got no problem with it. I'll make a motion we approve.

MR. ARGENIO: Final approval subject to those conditions and that you can sign it, authorize Neil or myself to sign it once county has weighed in on it.

 $\ensuremath{\mathsf{MR}}\xspace.$ CORDISCO: Assuming that the county's comments are local determination or approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

MR.	SCHLESINGER	AYE
MR.	SCHEIBLE	AYE
MR.	GALLAGHER	AYE
MR.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

MT._AIRY_ESTATES_SUBDIVISION_(04-23)

MR. ARGENIO: Mt. Airy Estates, somebody here?

Mr. Richard Rennia appeared before the board for this proposal.

MR. ARGENIO: You were here about a month ago if I remember.

MR. RENNIA: Rich Rennia with Morris Associates. We were here--

MR. ARGENIO: I want to read this. This application proposes further subdivision of lots at the end of McKinley Court formally known as J Street within the Mt. Airy major subdivision, The Reserve as you guys know it. The application makes a total of 14 residential lots from 2 existing larger lots. The plan was previously discussed at the 8 September, 2004, 13 October, 2004, 9 November, 2005 and 26 March, 2008 planning board meetings. As Jim Petro would say, I'd like to send this thing a Christmas card. Mr. Rennia, what have you to say tonight?

MR. RENNIA: When we were here last we were discussing whether we could move forward with the SEQRA process. It was determined that there was still some outstanding items with respect to storm water. We went ahead and beefed up our storm water pollution prevention plan, submitted that back and I believe based on Mark's comments that we got earlier today that we have taken care of that.

MR. ARGENIO: John, how is their, if you guys remember, just a reminder, the biggest issue with this was the storm water pollution protection, the lots are undersized but by a court order back in the '80s or '90s I don't know the date they're certainly entitled to these lots according to the judge. Our main issue

was the SWPPP. John, I'd like to hear from you on that.

MR. SZAROWSKI: Well, I did review the SWPPP and we have been out to the site several times, Morris Associates has definitely taken further steps in trying to protect Brown's Pond with the sand filters treating the storm water they've got, they're proposing a turbidity fence in Brown's Pond.

MR. ARGENIO: In the water?

MR. SZAROWSKI: In the water. And they're going to remove the elbow that raises the back water portion of Brown's Pond, that water elevation is a little high, that's why it's been going over the road. So they're going to remove the elbow and slowly lower the water down.

 ${\tt MR.}$ RENNIA: Keep cutting it down until the water level gets back down to where it should be.

MR. SZAROWSKI: That will help the topping of the road.

MR. ARGENIO: Where does that pipe go, John?

MR. SZAROWSKI: The pipe we're discussing it's just under Mt. Airy Road from one side of the--

MR. ARGENIO: Discharges where?

MR. RENNIA: There's, it's all connected via one reservoir but the road happens to go across as a causeway and underneath it, buried underneath the roads is a culvert and that allows the water to move freely on the one side. When silt first got into there we installed an elbow and brought it up to, acts like a clarifier to skim clean water off the top and not allow any of the other sediment to get into the bigger side of Brown's Pond.

MR. ARGENIO: Did you guys use flocculent on that?

MR. ROSENZWEIG: We just ordered all that kind of flocculent.

MR. RENNIA: It's never been used in that pond because this is a source of drinking water.

MR. ARGENIO: They say it's safe, you can flock it and it's okay.

MR. RENNIA: What they want to do is do some flocking up in their site so as to allow it to settle in their ponds.

MR. ARGENIO: Have you done any yet?

MR. ROSENZWEIG: We just got the delivery.

MR. ARGENIO: The answer is no. I was curious, that's all.

MR. SCHEIBLE: Since I haven't been involved with this, was there any problem before with the height of the one pond verses the other side or was the culvert underneath enough to take everything away?

MR. RENNIA: Historically as far as I know prior to myself getting involved I got involved around the year 2000 with this project but historically prior to that there was not any major problem.

MR. SCHEIBLE: From when I was a kid I can never remember a problem.

MR. RENNIA: You would expect the smaller side to raise up.

MR. SCHEIBLE: Because of the construction of this

development that caused all the problems of the silt?

MR. RENNIA: Yes, the silt, yes.

MR. SCHEIBLE: That clogged up the culvert.

MR. RENNIA: The culvert was never clogged up, it was a solution decided to be put into place to help prevent sediment from the construction site that had gotten into the back water section, if you would, of Brown's Pond to stop that sediment from moving into the main portion of Brown's Pond.

MR. ARGENIO: I want to read this in Mark's note affirming Mr. Szarowski's commentary. We know that the applicant has proposed additional measures above and beyond what's normally required for erosion control including dual layer turbidity fence, backwater surface sand filters and aggressive stabilization plans. plan includes seeding, mulch and erosion control blankets. I will tell you what else is wood chips if you're grinding up trees. Basically, I spoke to Mark about this and he like Mr. Szarowski had said he determined that they're doing a good job, they're making a substantial effort, the plan shows substantial effort now, as long as assuming you folks are going to follow through with it, that's, I think what we need I think that we're in good shape. Mark notes that a preliminary public hearing was already held, the plans are substantially the same as those considered at preliminary. As such, again, I'm reading from Mark's comments, I recommend that the board waive the final public hearing per their discretionary judgment.

MR. CORDISCO: Before you do that, Mr. Chairman, I recommend that you at least consider adopting the negative dec and granting preliminary approval even though they have had a preliminary public hearing they actually haven't had preliminary approval, preliminary subdivision approval. After you grant preliminary

subdivision approval, you can then consider whether or not waiving a final public hearing because that comes between preliminary and final approval.

MR. ARGENIO: Our attorney is just assuring that procedurally we're proceeding in an appropriate fashion and that's fine, that's a good thing, that's certainly why he's here.

MR. CORDISCO: One issue that we had discussed at the last month's meeting when this application was before you was whether or not to have another preliminary public hearing and I believe that the indication was that the plans really hadn't changed and really wasn't warranted to have another preliminary public hearing.

MR. ARGENIO: I agree. So SEQRA first.

MR. CORDISCO: SEQRA.

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process on The Reserve J Street subdivision.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Dominic now should we, we're considering preliminary approval first?

MR. CORDISCO: Correct, preliminary approval, I'm not quite sure, we can talk about final approval in a moment but preliminary approval with at least one condition that Mark points out here regarding the storm water drainage district that would be a condition that they'll have to satisfy prior to final approval.

MR. ARGENIO: Where does he point that out?

MR. CORDISCO: It's note number 3 on the second page.

MR. RENNIA: Storm water, the district, yes.

MR. ARGENIO: I don't see where that speaks to preliminary approval.

MR. CORDISCO: It's not either preliminary or final just that the district has to be in place prior to them receiving final approval that would typically be a condition, it's a condition that we'd lay out in the preliminary approval resolution saying this is one of the things that they have to satisfy before they come back for final.

MR. ARGENIO: I don't want to skip any steps.

MR. VAN LEEUWEN: So moved, Mr. Chairman, we give them preliminary approval.

MR. SCHLESINGER: Don't we have to do something first?

MR. ARGENIO: No.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer preliminary approval to the J Street subdivision.

Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: It is appropriate at this time I believe to waive final public hearing.

MR. CORDISCO: Yes, you certainly may.

MR. ARGENIO: I'll accept a motion to that effect.

MR. SCHLESINGER: Make a motion to waive.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the final public hearing for the J Street subdivision at The Reserve. Roll call.

ROLL CALL

MR.	SCHLESINGER	AYE
${\tt MR}$.	SCHEIBLE	AYE
${\tt MR}$.	GALLAGHER	AYE
MR.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

MR. ARGENIO: Is there anything, any reason we shouldn't consider final approval subject to the drainage district being formed?

MR. VAN LEEUWEN: Can I ask a question, Mike, have you had anymore problems out there?

MR. RENNIA: We have to be subject to health department, we have to run the sewage collection system and water distribution through the health department.

MR. VAN LEEUWEN: We cannot give this final approval because it's got to go to the health department?

MR. ARGENIO: That's correct.

MR. VAN LEEUWEN: No way.

MR. CORDISCO: In a sense you could do conditional final approval but to do that, you know.

MR. VAN LEEUWEN: Got too many problems out there.

MR. ARGENIO: That would be setting a precedent, certainly you folks can see the direction this is heading.

MR. RENNIA: We'll be very happy with preliminary, it avoids any time delay that we might have with the health department submission.

MR. ARGENIO: Let's follow the procedures.

MR. VAN LEEUWEN: You've got everything we can give you, I'll tell you, we've had too many problems there, there's no subject-to.

MR. ARGENIO: Especially with the health department because you never know nowadays what can come up and there could be changes.

MR. CORDISCO: We want to make sure that we have a clear understanding of all the conditions and we're just not prepared for that.

MR. ARGENIO: Thank you for coming in.

VESELEY_ESTATES_AT_STEPHEN'S_WOODS_SENIOR_HOUSING_

(08-07)

MR. ARGENIO: Veseley Estates. This is a proposed senior housing multi-family. The application proposes 146 units senior housing multi-family residential complex on 25.7 acre property. The plan was reviewed on a concept basis only. Sir, what's your name?

MR. FELLENZER: Good evening, my name is Mark Fellenzer.

MR. ARGENIO: I want to ask you a question, I want to read from Mark's comment. The planning board previously reviewed the submittal as part of the referral from the Town Board. At that time the planning board noted concern regarding the density, and as well the wetlands issue. Can you comment on that?

MR. FELLENZER: Sure, I'd be happy to. Just that specific issue?

MR. ARGENIO: First I'd like you to comment on that.

MR. FELLENZER: The density has not changed from the previously submitted. The layout has been modified somewhat with the storm water and relocation based on Mark's recommendation and I believe the Planning Board's with respect to the tennis court and recreational facility.

MR. ARGENIO: Did you take constructed facilities associated with this project out of the wetland and out of the wetland buffer?

MR. FELLENZER: The only item that's in the wetland buffer at this time is a fire fighting access road, we have met with the DEC, the DEC buffer, not Army Corps and the DEC is fine with this, we have also met with fire inspector, he's reviewed it, he's fine with this

and as well as he's placed where it's located the fire hydrants.

MR. ARGENIO: How do you speak to the density?

MR. FELLENZER: I'd like to speak to the density.

MR. ARGENIO: I wish you would.

MR. FELLENZER: We're right now at approximately 80 percent of the allowable density in the district. We're at about 7 1/2 units per acre with an allowance of 9 units per acre, so we're, we would be allowed approximately 24 percent more units, 181 total would be allowed to be constructed. We have a net usable of 20.20 acres of the 25.73 on the site. With the building coverage we're 11.3 percent, building coverage on the site our roads, sidewalks and parking areas are 15.3 percent on the site leaving us an open space of 73.4 percent. We note that the zoning allows coverage up to 75 percent while we're at approximately 26 percent.

MR. VAN LEEUWEN: Yeah but one you say senior housing next thing you say single family homes.

MR. FELLENZER: I'd like to explain that so people are clear.

MR. VAN LEEUWEN: This is not senior housing as far as I'm concerned, it's filling it up but not senior housing.

MR. FELLENZER: I will try to address it overall and then any specific questions. This is a one ownership in terms of its condominium project, it's an overall condo, we're labeling these types so people have a better understanding of what they are, they're all condos but when you show someone this and say it's a condo it tends to be confusing for people. When you

show them a townhouse and say it's a condo, it tends to be a little confusing for them. When you show them this and say it's a condo maybe that's not so confusing for people because a condominium is a form of ownership, not a form of construction. So what we have called this, this is the, to try to help clarify it's a single family style, I'm not sure if you're familiar with Orleans project, Wild Flower in the Town of Wallkill, they're 142 of these type of units that's a 55 plus community, they call it active senior if you will. They're all what I call single family style but they're condominium ownerships. If you're familiar with the Fairways project also in the Town of Wallkill adjacent to Orange County golf Club there's a mix there of townhouse styles that's a K. Hovnanian project, sorry, that's a Ginsberg project, there's some vertical, what we would, most people would think of as a townhouse style unit, there are also duplex style units on the site. So in terms of this, this is, these are all condos, when we refer to these as apartment style or flats these would be townhouse style or verticals in here and these would be I'll say single family style.

MR. ARGENIO: How about that legal definition, Dominic, can you affirm or refute what I'm hearing here? I certainly don't claim to be an expert on the definition of condos, townhomes and single family homes but common sense would certainly lend credence to Mr. Van Leeuwen's commentary.

MR. CORDISCO: Well, in a sense, I mean, it is accurate to say that condominium really is a form of ownership and it's not necessarily a style of building. Could you have what essentially looks like single family residences but it's in condominium ownership, in other words, the condominium as a single owner, a single entity owns the entire site and the person who owns a share in the condominium actually has the right to occupy a particular unit. That's not when I think of

condos, condos typically is shorthand for a townhouse multi-family development but it's not necessarily the case. You could, for instance, we just worked on a project that was three industrial buildings, separate industrial buildings, very large ones where it was divvied up as a condominium ownership where three different tenants came in and they occupied those three buildings and they have a share but overall site is operated by one condo.

MR. ARGENIO: Was that--

CORDISCO: That's in Hamptonburg.

MR. FELLENZER: Your specific senior housing zoning under 300-18 (e) subsection 1, subsection A, specifically talks about it and I will quote, the senior citizen site plan may be a mix of various occupancy units multiple unit three dwelling units or greater duplex and/or single units.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: Just, you know, everybody is coming in to the planning board with these large subdivisions, okay, or these large complexes, they're saying senior citizens, how many seniors citizens we got in this town? Because I tell you something, this is about the third or fourth one we've looked at. How many seniors we got in this town? So you're going to have to sell it to people that have children, you don't have a choice.

MR. FELLENZER: I can provide you some numbers but very interesting in the next 15 years how many of the baby boomers will become by definition senior citizens.

MR. ANARUMO: And this is more of an active community.

MR. VAN LEEUWEN: Fifteen years from today is a big

difference, 15 years from now probably won't been here, I'll be pushing up daisies.

MR. FELLENZER: Numbers are quite high actually.

MR. ANARUMO: Right now there's millions and millions of--

MR. ARGENIO: Sir, I need to know your name please and stand up.

MR. ANARUMO: Thomas Anarumo. I'm part of Stephen's Woods and we did market studies and I can get you actual numbers if you'd like how many baby boomers there are active adults 55 but in the many, many, many millions right now so largest I would say population.

MR. ARGENIO: I have to tell you I don't personally get choked up about that because that's your risk, that's your market risk, so I don't really get twisted up about it but the beauty of this board is that we have such a broad spectrum of age, experience and expertise that we tend to touch on a little bit of everything with these applications. But what I am concerned about I will tell you this, Mr. Fellenzer and I said to an applicant three weeks ago, four weeks ago, whenever our last meeting was was when you draw a plan and you draw the foundation right on the line of the buffer I don't like that. You know what that tells me? That tells me it's crowded, tells me there's too much going on there. And 1, 2, 3, 4, 5, 6, 7, 9 instances you have construction occurring just about right on the line on the plans where the hundred foot buffer is where you're not supposed to be in and the fact of the matter is you're going to be in that there when you do the construction that's the reality of construction, you and I both know that.

MR. CORDISCO: Mr. Chairman, I also believe that there's storm water basins that are shown actually

located in the adjacent area.

MR. ARGENIO: There certainly are storm water basins shown in that area.

MR. FELLENZER: I'd be happy to address that as well.

MR. ARGENIO: Sure.

MR. FELLENZER: We have met with the DEC on site, just understand some background if you look at the DEC mapping of this area it does not show the DEC wetlands as close to the property as the federals are. DEC though in recent time have decided that once you have had a federal delineation done and they have a DEC wetland in the area they'll like to move their mapped wetlands out to the federal line. Now you thus create a hundred foot buffer on the well, the hundred foot buffer exists DEC requirements but basically puts a hundred foot on the federal lines and now we have met with the DEC on site and specifically have their verbal approval to do this type of work in the buffer.

MR. ARGENIO: One of the things I was going to ask you do you have a letter from there?

MR. FELLENZER: No, obviously it has to go to them for review, they would be one of the involved agencies.

MR. ARGENIO: Maybe they should be lead agency. Is that unheard of?

MR. VAN LEEUWEN: No, it's not unheard of.

MR. CORDISCO: No, the DEC actually has had a policy of being more protective in seeking out lead agency for projects that have impacts to their permitted jurisdiction.

MR. ARGENIO: I'm not saying that's necessary but I'm

saying that there's construction in the wetlands.

MR. FELLENZER: Certainly under SEQRA they'll be an involved agency subject to reviews and comments from them and their input but we took a progressive step and met with them on site walked the site, went through these different areas, they had the same plan we talked to them about it and these are the results of that. I certainly understand the Planning Board's concern.

MR. ARGENIO: Let me ask the board and then we're not really getting into site details, we're kind of a step before that. How do you guys feel about this? I mean, one of the things that I have espoused about two meetings running is how busy it is and how much is going on there, Mr. Fellenzer was kind enough to share numbers with us and I don't take exception to those numbers but I'm looking at it and I'm saying when you're drawing lines right on the wetland the hundred foot buffer you're crowded.

MR. SCHLESINGER: I think we previously suggested that those little, there's been no change and I think we're at the same page right now again.

MR. SCHEIBLE: What's the, I'm just curious the usable acreage?

MR. ARGENIO: Good question to ask.

MR. SCHEIBLE: Usable acreage?

 $\ensuremath{\mathsf{MR}}.$ FELLENZER: Well, that wasn't when it was before the board.

MR. SCHEIBLE: We're looking at 25 acres total.

MR. FELLENZER: It's 25.73 acres total, the wetlands are 5.53 acres so the net usable is 20.20.

MR. SCHEIBLE: A hundred and forty-six units on 20 acres.

MR. FELLENZER: Correct, I've noted that I guess there's other projects that have been here, we've noted the density on them, some of them 2 1/2 times.

MR. VAN LEEUWEN: Let's not get involved in other projects, that's bunk, okay, let's stick to what we're looking at here, okay, but let's not get involved in other projects, I don't want to hear that.

MR. ARGENIO: Danny, do you want to, I agree with you, Henry, Dan, do you want to weigh in, do you have any commentary?

MR. GALLAGHER: No, my thoughts are the same, it's pretty crowded.

MR. VAN LEEUWEN: I think it is.

MR. FELLENZER: Just so I'm clear is the crowding a density issue or proximity to the building to the setback lines?

MR. ARGENIO: I think they're linked.

MR. SCHEIBLE: One can't do without the other.

MR. ARGENIO: I think they're linked, one is an indication of the other, what do you want from us tonight, Mr. Fellenzer?

MR. FELLENZER: I would ask first of all that the planning board consider being lead agency, that we discuss who the involved and interested parties would be such that notifications can occur and then we would work with Mr. Edsall and certainly planning board comments to improve the project and work our way through the approval processes.

MR. VAN LEEUWEN: What's the Town Board have to do about this?

MR. FELLENZER: Town Board has seen it and they have I guess I'd have to talk to the attorney in terms of the, how the wording is but referred us back to the planning board.

MR. ARGENIO: Yeah, they tend to rely on us to a great extent.

MR. FELLENZER: Their goal was to really determine if this site was okay in terms of being a senior.

MR. CORDISCO: They can't grant a special permit which would allow it to be built until all of SEQRA's concluded.

MR. ARGENIO: I really kind of was speaking almost in the tongue and cheek fashion about DEC being lead agency but certainly if we were lead agency they would be reviewing all of this, is that right, everything?

MR. CORDISCO: Well, that's correct and on that point I do feel, I mean, just to in terms of a bit of background I was regional attorney at DEC for several years and since that time I've made it my business where I actually get paid by private clients to appear before the department and never in my experience have I been able to persuade DEC to allow a project to move forward with storm water basins in the adjacent area. So I'm impressed if you've achieved that that I should be going with you to the meetings.

MR. FELLENZER: Certainly we're available.

MR. CORDISCO: But that said, I think that some writing from DEC would be helpful here because without that, I mean, it's critical as you understand if DEC is willing

to allow those detention basins to be placed in the adjacent area, well then you don't have to do too much moving around of things on the project site but the plan's going to change significantly.

MR. ARGENIO: Dominic and the physical construction of this fire lane both are significant issues?

MR. CORDISCO: No, I think that's impressive, you know, perhaps I have antagonized Mr. Gaughler (phonetic) in the past but hopefully not but in any event if you can have something in writing that gives this board direction that the DEC is going to consider permitting this I think you need that because it's a key element without it the--

MR. FELLENZER: Specifically that will have to happen as part of the SEQRA process, I mean, we can't go to the DEC until we determine lead agency.

MR. ARGENIO: Answer my question.

MR. CORDISCO: Which was?

MR. ARGENIO: You forget the question, I figured you did. You answered your own question. My question was I said in a kind of tongue and cheek fashion maybe the DEC should be lead agency because of all this wetland impact and I said it in a kind of tongue and cheek fashion, Dominic, if we do take the position of lead agency, Town of New Windsor Planning Board, is it correct that the DEC is going to have to, they'll review all of this, they'll go through all of this and it will be subject to their approval, is that correct?

MR. CORDISCO: As they proposed it they need permission from the DEC for all those items.

MR. ARGENIO: All right, so we can be lead agency.

MR. VAN LEEUWEN: I think we should.

MR. ARGENIO: We should be lead agency.

MR. VAN LEEUWEN: I think we should find out if they want to be lead agency.

MR. CORDISCO: But the question --

MR. FELLENZER: That specifically the part of the SEQRA process I mean we would notice them and they would, that's the first part of the SEQRA to notice them and ask them if they'd like to challenge you for lead agency on that project.

MR. CORDISCO: Right, and part of the notice would be a description of the project, it would get sent to the DEC and any other involved agency but what I'm trying to suggest to the board is that if the DEC was not inclined to allow that construction within the adjacent area then the plan in my opinion is going to change significantly because all those things that are now in the adjacent area are going to have to be pulled into the main project site.

MR. FELLENZER: Obviously we wouldn't have done this if they said no but they'll have to comment but I understand what you're saying.

MR. ARGENIO: Well, I will tell you I agree Dominic and at that point it's much less of a DEC issue, it's more where we should be lead agency at that point. That's how I feel about it.

MR. CORDISCO: Plus it's not just like you can give it to the DEC, the DEC would actually have to take it.

MR. ARGENIO: Yes, okay, I don't know what the board members think, if somebody agrees that we should circulate lead agency coordination letter I will

certainly accept a motion to that effect and begin SEQRA process.

MR. VAN LEEUWEN: Personally, Mr. Chairman, I don't think we're ready for that.

MR. ARGENIO: Dominic that doesn't --

MR. CORDISCO: The plans could change, plans likely will change as the project moves forward.

MR. ARGENIO: How does that change us taking lead agency?

MR. CORDISCO: You could circulate for lead agency because theoretically this is the most that could be built on site.

MR. VAN LEEUWEN: I so move.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate lead agency coordination letter. Roll call.

ROLL CALL

${ m MR}$.	SCHLESINGER	AYE
MR.	SCHEIBLE	AYE
MR.	GALLAGHER	AYE
${\tt MR}$.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

MR. ARGENIO: I don't know where else we're going, we need to hear from DEC, I still take the same position about the density, I'm certainly not going to beat you up on it, Mr. Fellenzer.

MR. FELLENZER: Is everyone okay with the mix?

MR. ARGENIO: Henry questioned it and I think he was very wise to question it, I quite frankly like it, Neil or Henry, how do you feel?

MR. SCHLESINGER: I agree with the explanation.

MR. FELLENZER: Trend is to give people some options.

MR. SCHEIBLE: I have no problem with that either because sometimes you go into these condo projects one row of houses and to see a little mixture would not be a bad thing.

MR. GALLAGHER: I agree with that absolutely.

MR. VAN LEEUWEN: I have no problem with that but just think it's too dense.

MR. SCHEIBLE: That we know the --

MR. GALLAGHER: One quick question.

MR. VAN LEEUWEN: We have so many senior projects now and here's another one.

MR. ARGENIO: I think that--

MR. FELLENZER: I don't know if the board handles it in this fashion but typically once lead agency is designated I would like input from you to determine involved and interested parties so noticing can be done correctly.

MR. ARGENIO: That's not been determined yet, we authorize circulation of the letter.

MR. FELLENZER: But that's in order to circulate letters we have to know who they go to, do you do that? Boards do this differently.

MR. CORDISCO: Usually it's coordinated through Mark Edsall's office.

MR. FELLENZER: We can do that outside of.

MR. ARGENIO: This is not the venue right here tonight.

MR. FELLENZER: Some boards we do that here so--

MR. SCHEIBLE: Just before you leave, pack up, when you say senior citizen that's going to be 55 and up?

MR. FELLENZER: Really active seniors is what they call it, you know, but it's 55 and up and it would follow the criteria.

CORRESPONDENCE

APPLE_RIDGE_SUBDIVISION_(06-24)

MR. ARGENIO: Correspondence, Apple Ridge subdivision. Dominic or John, somebody have this?

MR. CORDISCO: Yes, the board had previously granted about five months ago preliminary approval to Apple Ridge and they're still in the process of getting their outside agency approvals done which is not unusual. This is their first request for an extension. It will be a 6 month extension so the board could do it by resolution.

MR. ARGENIO: They're entitled to two, aren't they?

MR. CORDISCO: No, they're entitled to as many for the preliminary.

MR. ARGENIO: I'm sorry, okay.

MR. CORDISCO: You only get 360 days and our practice has been lately to grant the full 360 days right at the outset.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: I will accept a motion that we give them \sin month extension that they're asking for.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant Apple Ridge six month extension of preliminary approval. Roll call.

ROLL CALL

MR.	SCHLESINGER	AYE
${\tt MR}$.	SCHEIBLE	AYE
MR.	GALLAGHER	AYE
MR.	VAN LEEUWEN	AYE
MR.	ARGENIO	AYE

DISCUSSION

MR. ARGENIO: I have something that I need to espouse on just for a minute. Dominic, I'd like you to listen carefully to what I'm going to say because I'm not an attorney but I think I have a firm understanding of what I'm about to say. I received a letter from the Town Supervisor and subsequent discussion with the same, I'm going to read the letter and then I'm going to us espouse just for a minute, won't take long, probably all of about three minutes. Question presented is whether and to what extent a sitting member of the ZBA or planning board may make independent investigation or inquiry into a matter currently before that board. Attached is a notation of Hampshire Management Company verses Nattle (phonetic). In that case the court deemed that although a member may properly rely upon his or her personal knowledge of observation of a site as disclosed at a hearing, it was improper for him or her to have considered an unspecified newspaper article published after the public hearing. It would be my impression that although it is proper for a board member to use his personal knowledge, certainly any application it would be improper for him to use or solicit information potentially impacting his decision which would not be subject to rebuttal by the applicant. This would include classic hearsay, such as interviews with neighbors or other residents who are not present at the public hearing. If you require further inquiry, please advise. Now, let me just say how I interpret this and I'm going to be real basic about this and I don't want to get wordy but I want to keep it as simple as possible because I'm sure if we delve into this we can take it to the enth degree, we can cube it, we can square it and cube it again. Now I understand it and this has always been my understanding if we have a site plan which somebody's looking for approval or some such thing we can certainly do a site visit, we can do it together, we can do it independently, done it before,

you and I have gone to see things, we drove Jackson Avenue three or four times with the Shadow Fax thing. What you can't do is you can't go out, knock on somebody's door, next door neighbor and say X, Y, Z in front of the planning board, they're proposing this, what do you think and then come back to that board and say well, Suzy says that we shouldn't do it because there's a drainage channel that goes into her back yard, can't do that. But what you can do is you can go to that site, you can take a look, observe that drainage channel then come back here and say hey, my common sense, my knowledge and experience from being on this planning board and my personal knowledge indicates that there may be a drainage channel back there, we need to take look and advise said applicant's engineer that he needs to consider that. You can do that. But what you can't do is come here and tell me you interviewed Suzy or Johnny I should say, tell the public, tell the board members that you interviewed Suzy and Johnny and they say that we shouldn't do X, Y and Z. So we shouldn't do that. Dominic, is that correct?

MR. CORDISCO: That is exactly correct because that's really the function of the public hearing, that Suzy or Johnny have concerns they have the ability to come here.

MR. ARGENIO: They'll bring the concerns to the public hearing.

MR. CORDISCO: That's correct, that way the board can consider it and you're hearing it firsthand rather than secondhand which is the problem with hearsay.

MR. ARGENIO: Everybody understand? I don't know where the problem occurred, it certainly occurred somewhere but I'm confident it didn't occur with this board. That's it, that's all I have. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

Respectfully Submitted By:

Frances Roth Stenographer